

Attorney's Docket No. 735.35259X00

Applicant or Patentee: David E. WILSON

Serial or Patent No.: 0 / _____

Filed or Issued: _____

For: IMPROVED GRAIN DRILL WITH ACCURATE METERING OF THE RATE OF PLANTING OF SEED

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) and 1.27(b))—INDEPENDENT INVENTOR

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled Improved Grain Drill With Accurate Metering of the Rate of Planting of Seed described in

☒ the specification filed herewith.

☐ application serial no. 0 / _____, filed _____.

☐ patent no. _____, issued _____.

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

☒ no such person, concern, or organization

☐ persons, concerns or organizations listed below *

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).

FULL NAME _____

ADDRESS _____

☐ INDIVIDUAL

☐ SMALL BUSINESS CONCERN

☐ NONPROFIT ORGANIZATION

FULL NAME _____

ADDRESS _____

☐ INDIVIDUAL

☐ SMALL BUSINESS CONCERN

☐ NONPROFIT ORGANIZATION

FULL NAME _____

ADDRESS _____

☐ INDIVIDUAL

☐ SMALL BUSINESS CONCERN

☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

David E. Wilson

Name of inventor

David E. Wilson

Signature of Inventor

Date March 13, 1997 ✓

Name of inventor

Signature of Inventor

Date _____

Name of inventor

Signature of Inventor

Date _____

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I/we hereby declare that:

My/Our residence, post office address and citizenship are as stated below next to my/our name, I/we believe that I/we are the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**IMPROVED GRAIN DRILL WITH ACCURATE METERING OF THE
RATE OF PLANTING OF SEED**

the specification of which (check one) ☒ is attached hereto.

☐ was filed on _____
as Application Serial No. _____
and was amended on _____
(if applicable)

I/We hereby state that I/we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I/We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I/We hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

<u>None</u>	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No	
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No	
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No	
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No	
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No	

I/We hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I/we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>None</u>	_____	_____	_____
(Application Serial No.)	(Filing Date)	(Status: patented, pending, abandoned)	
_____	_____	_____	
(Application Serial No.)	(Filing Date)	(Status: patented, pending, abandoned)	
_____	_____	_____	
(Application Serial No.)	(Filing Date)	(Status: patented, pending, abandoned)	
_____	_____	_____	
(Application Serial No.)	(Filing Date)	(Status: patented, pending, abandoned)	

I hereby appoint as principal attorneys; Donald R. Antonelli, Reg. No. 20,296; David T. Terry, Reg. No. 20,178; Melvin Kraus, Reg. No. 22,466; Stanley A. Wal, Reg. No. 26,432; William I. Solomon, Reg. No. 28,565; Gregory E. Montone, Reg. No. 28,141; Ronald J. Shore, Reg. No. 28,577; Donald E. Stout, Reg. No. 26,422; Alan E. Schiavelli, Reg. No. 32,087; James N. Dresser, Reg. No. 22,973 and Carl I. Brundidge, Reg. No. 29,621 to prosecute and transact all business connected with this application and any related United States application and international applications. Please direct all communications to the following address:

Antonelli, Terry, Stout & Kraus
Suite 1800
1300 North Seventeenth Street
Arlington, Virginia 22209
Telephone: (703) 312-6600
Fax: (703) 312-6666

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United State Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

(Full Name)

(Signature)

Date March 13-1997 Inventor David E. WILSON David E. Wilson
Residence 4847 North Country Road 350 West
Greensburg, Indiana 47240 Citizenship United States
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Date _____ Inventor _____

Residence _____ Citizenship _____

Post Office Address _____

Date _____ Inventor _____

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Post Office Address _____

Date _____ Inventor _____

Residence _____ Citizenship _____

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Residence _____ Citizenship _____

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Date _____ Inventor _____

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Post Office Address _____

Date _____ Inventor _____

Residence _____ Citizenship _____

Post Office Address _____

755.35259X00
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David E. Wilson
Serial No.: 08/818,717
Filed: March 14, 1997
For: IMPROVED GRAIN DRILL WITH ACCURATE
METERING OF THE RATE OF PLANTING OF SEED
Group: 3616
Examiner: V. Batson

**DECLARATION OF DAVID E. WILSON
PURSUANT TO 37 C.F.R. §131 AND 28 U.S.C. §1746**

Assistant Commissioner
for Patents
Washington, D. C. 20231

Sir:

(1) I, David E. Wilson, declare I am the sole inventor of the claimed subject matter of the above-referenced patent application and that at least the subject matter of claims 1, 2, 14, 15, 27, 29, 30, 39 and 40, was reduced to practice before the November-December 1996 publication in Vol. 20, No. 6, of "FARM SHOW" which, on page 3, contains an article, "Drill 'Weigh Scale' for Planting Beans", describing an electronic weight scale which is described therein as being developed by Ken Von Muenster.

(2) Before November-December 1996, I conceived, reduced to practice, and sold to my neighbor, Mr. Steve Schoettmer, of Greensburg, Indiana, who is in the agricultural business as a farmer, a support and a weight display for retrofitting to

a John Deere grain drill, which I retrofitted to Mr. Schoettmer's grain drill to produce a grain drill in accordance with claims 1, 2, 14, 15, 27, 29, 30, 39 and 40. The aforementioned retrofit to Mr. Schoettmer's grain drill accurately weighed the contents of its seed hopper.

(3) Attached hereto as Exhibit A is a cancelled check from Mr. Schoettmer's agricultural business in the amount of \$2,000.00 which beside the legend "For" states "Scale for Drill". I have caused the date of the check, which is before November 1996, to be masked to hold confidential the actual date of the sale of the "Scale for Drill" to Mr. Schoettmer's business. The date of this sale is less than one year before the filing date of March 14, 1997 of my patent application.

(4) The "Scale for Drill" which was sold to Mr. Schoettmer which I retrofitted to Mr. Schoettmer's grain drill resulted in a grain drill as described in the specification of my patent application and as illustrated in Figs. 4-8.

(5) Attached hereto as Exhibit B is a photograph of Mr. Schoettmer's grain drill in use retrofitted with the "Scale for Drill" which I sold to him.

(6) Attached hereto as Exhibit C is a photograph of Mr. Schoettmer's grain drill retrofitted with the "Scale for Drill", viewed from the rear, which illustrates the weight scale corresponding to the display 64 of Fig. 8.

(7) Attached hereto as Exhibit D is a photograph of Mr. Schoettmer and his son standing in front of the rear of the grain drill retrofitted with the "Scale for Drill" which I sold to Mr. Schoettmer. While it is not visible in Exhibit E, the hopper contained seed grain and the weight display read its weight as being -1,019 lbs which I recorded. Mr. Schoettmer chose to display the actual weight of the seed in the hopper as a negative number by manipulation of the controls of the weight display which causes the weight of the seed in the hopper to be displayed as less negative weight as planting continues.

(8) Attached hereto as Exhibit E is a photograph of Mr. Schoettmer sitting to the right on top of the hopper of the grain drill retrofitted with the "Scale for Drill" which I sold to him. The weight display of Exhibit C is shown in further detail in front of the right foot of Mr. Schoettmer and in front of the left foot of Mr. Schoettmer's son, Scott. While it is not visible in Exhibit D, the weight display reads the combined weight of Mr. Schoettmer and his son, Scott, to be -553 lbs which I recorded. The displayed weight is the difference between the aforementioned -1,019 lbs., which is the weight of seed in the hopper, and the actual weight of Mr. Schoettmer and his son, namely -553 lbs. This display means the combined weight of Mr. Schoettmer and his son is the difference between -1,019 lbs. and -553 lbs. which is 446 lbs.

(9) Attached hereto as Exhibit F is a photograph of Mr. Schoettmer and his son standing in front of the end of the grain drill retrofitted with the "Scale for Drill" which I sold to Mr. Schoettmer. The subject matter of Figs. 4 and 9 of my patent application, which is not visible, is located behind the elongated green plate which is held in place with bolts on the ends thereof.

(10) Attached hereto as Exhibit G is a photograph of Mr. Schoettmer and his son standing in front of the end of the grain drill retrofitted with the "Scale for Drill" which I sold to Mr. Schoettmer. The green plate has been removed to reveal the structure of Figs. 4 and 9 of my patent application.

(11) I know from my personal knowledge that the "Scale for Drill", which I sold to Mr. Schoettmer, operated in accordance with the description of my patent application to accurately weigh the contents of the seed hopper as is illustrated by Exhibits D and E from the time of its purchase.

I declare under the penalty of perjury that the foregoing is true and correct.

June 24, 1998
Date

David E. Wilson
David E. Wilson